

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA, <i>et al., ex rel.</i> ,)	
BRIAN EBERHARD,)	
)	
Plaintiffs,)	CIVIL ACTION NO. 3:11-0445
)	JUDGE TRAUGER
v.)	MAGISTRATE JUDGE GRIFFIN
)	
AMERITOX, LTD.,)	FILED UNDER SEAL
)	
Defendant.)	

~~PROPOSED~~ ORDER

The United States having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the Court rules as follows:

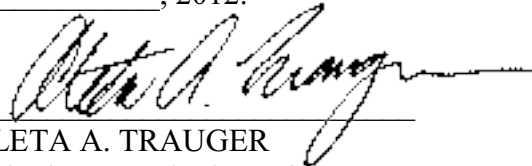
IT IS ORDERED that,

1. The Complaint and Amended Complaint shall be unsealed and served upon Defendant by the Relator;
2. Docket Nos. 2, 17, 18, 50, 51, 53, and 54 in this action shall remain under seal and not be made public or served upon Defendant. Relator shall serve this Order and the United States' Notice of Election to Decline Intervention upon Defendant only after service of the Complaint and Amended Complaint;
3. The seal shall be lifted as to all other matters occurring in this action after the date of this Order;
4. The parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time;

5. The parties shall serve all notices of appeal upon the United States;
6. All orders of this Court shall be sent to the United States; and
7. Should Relator or Defendant propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

IT IS SO ORDERED

ENTERED this 14th day of September, 2012.



Aleta A. TRAUGER
United States District Judge